

12 FEB 2007



United States Patent and Trademark Office

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Patent Dept.  
EXELIXIS, Inc.  
P.O. Box 511, 170 Harbor Way  
South San Francisco, CA 94083-0511

In re Application of  
Tai et al.  
Application No.: 10/523,706  
PCT No.: PCT/US03/24561  
Int. Filing Date: 06 August 2003  
Priority Date: 07 August 2002  
Attorney Docket No.: MBHB05-981-G (EX03-059C-PC)  
For: PSMCs As Modifiers Of The RB  
Pathway And Methods Of Use

DECISION

This is a decision on the renewed submission under 37 CFR 1.497(d) filed on 20 November 2006.

### DISCUSSION

In a decision mailed on 28 September 2006, the declaration of the inventors filed on 21 March 2005 was treated under 37 CFR 1.497(d), in view of the correspondence filed on 28 November 2005. The declaration was not accepted, without prejudice, because

... Counsel's attention is drawn to MPEP 201.03, which explains in part that

**While each inventor need not execute the same declaration, each oath or declaration executed must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.**

Accordingly, the previously submitted composite declaration will not be accepted.

In response, applicants have filed a new executed declaration. However, inspection of this declaration reveals that the name "OLLMAN" appearing thereon differs from the name "OLLMANN" listed in the published international application, and the record appears to include no explanation of this discrepancy (e.g., whether it arose from a mere typographical error). It is also noted that the declaration includes an un-initialed alteration to Kim Lickteig's mailing address (such that it is unclear whether the address was added before or after she signed the declaration). In view of the discrepancy noted above, it would not be appropriate to accept the declaration filed on 20 November 2006 at this time.

### CONCLUSION

The request under 37 CFR 1.497(d) is **DISMISSED**, without prejudice.

Applicants are required to submit a complete oath or declaration in compliance with 37 CFR 1.497(a) and (b) within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in

**ABANDONMENT** of this application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.497(d)." No additional processing fee is required.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.



George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283  
Fax: (571) 273-0459